IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

8:20-CR-197

VS.

DELMUS WILKERSON,

ORDER REGARDING MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION

Defendant.

This matter is before the Court on the Magistrate Judge's Findings and Recommendation (Filing 55) recommending that the Court accept the defendant's plea of guilty. There are no objections to the findings and recommendation. Nonetheless, the Court declines to adopt the findings and recommendation at this time.

Pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 11.2(d), the Court has conducted a de novo review of the record. Count I of the Indictment charges Defendant with violating 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1). Filing 1. Defendant is pleading guilty to "knowingly and intentionally possess[ing] with intent to distribute 10 grams or more of a mixture or substance containing a detectable amount of an analogue of fentanyl." Filing 1. The Indictment does not allege prior convictions or serious bodily injury as a result of the use of the substance. Thus, he faces a statutory incarceration term of five years to forty years, a maximum fine of five million dollars, and a term of supervised release of "at least four years." 21 U.S.C. § 841(b)(1)(B)(vi).

The Petition to Enter a Plea of Guilty (Filing 57) lists a maximum term of supervised release of four years. The Magistrate Judge advised the defendant accordingly. Filing 60 at 8. Because Defendant was not informed of the maximum term of supervised release he faces, it is the Court's intent to further inquire into this matter at the sentencing hearing set for September 22, 2021. Filing 56. At that time, the Court will decide whether Defendant's plea of guilty should be